



DELAWARE GENERAL ASSEMBLY
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

Adult Use Cannabis Task Force

**Wednesday, February 14, 2018
10:00a.m. – 12:00p.m.
House Chamber, Legislative Hall, Dover**

Task Force Members Present:

Representative Helene Keeley, House of Representatives
Senator Margaret Rose Henry, Delaware State Senate
Dawn Hopkins, on behalf of Senator Bryant Richardson, Delaware State Senate
Representative Steve Smyk, House of Representatives
John Yeomans, Department of Safety & Homeland Security
John Sybert, Sussex County Advocate
Jason Silversteen, Medical Marijuana Act Oversight Committee
Cathy Rossi, AAA Mid-Atlantic
Kim Robbins, Delaware Pharmacist Society
Lossie Freeman, Mayor of City of Wilmington
Brendan O'Neill, Office of Defense Services
Jamie Mack, Division of Public Health
Mark Lally, President of the First State Compassion Center
Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee
Robert Glen, State Bank Commissioner
Jermaine Hatton, Delaware League of Local Governments
Michelle Jacobs, Department of Natural Resources and Environmental Control (DNREC)
Cynthia Ferguson, New Castle County Advocate
William Bryson Chief, Delaware Police Chiefs Council
Danielle Brennan, Department of Justice
Kenneth Bounds, Deputy Secretary, Department of Agriculture
Nicholas Biasotto, Medical Society of Delaware
Clarence Watson, Division of Substance Abuse and Mental Health

Representative Helene Keeley, co-chair, called the meeting to order at 10:03 a.m. She took attendance and asked if all present had the opportunity to review the agenda for the day before asking if changes should be made to the minutes from the previous Task Force meeting held on Wednesday, January 3rd.

Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee, stated several changes that should be made to the January 3rd minutes to more accurately portray his statements.

Nicholas Biasotto, Medical Society of Delaware, with no further corrections being raised, motioned to accept the previous meeting's minutes with the changes noted by Mr. Holly. The motion was seconded by Rep. Keeley and accepted by committee members present.

Rep. Keeley reviewed the agenda for the day's meeting and thanked Task Force members for their professionalism throughout all previous meetings. She then reminded members of the Task Force's purpose.

Senator Margaret Rose Henry, co-chair, stated that the co-chairs were hopeful that the draft of the Task Force report captured the essence of the previous meetings.

Rep. Keeley set rules for discussion and began the review of the draft of the final report, beginning with the introduction and membership portions.

Tim Holly brought up a drafting issue pertaining to his title on page four. Rep. Keeley confirmed that the requested change would be made before moving on to the Local Authority and Control portion of the report.

Cathy Rossi, AAA Mid-Atlantic, voiced her concern that the report captured much of the spirit of the Task Force, but not all of the substance. She referenced an actionable solution on page six and asked if it signified that local authorities would not be permitted to prohibit the sale of recreational marijuana.

Deborah Gottschalk, General Assembly Division of Research Legislative Attorney, clarified that restricting a municipality's ability to prohibit the sale of marijuana was not the intention of the actionable solution in question. She stated that the language had been inserted to address a comment made by the member representing the City of Wilmington which referenced a lack of a cap on fees imposed by municipalities could potentially be a backdoor way of prohibiting the sale of recreational marijuana without going through a voting process. Ms. Rossi voiced her understanding after Ms. Gottschalk's clarification, but stated that the language should be re-worked. Rep. Keeley thanked Ms. Rossi for her comments and asked if there were any further questions relating to the issue.

Tim Holly stated that it could be beneficial to readers of the report to have the DSCCs comments on Employer Liability moved from the Criminal Law portion of the report to the Local Authority and Control portion. Rep. Keeley stated that the co-chairs would take all comments into consideration before releasing the final draft of the report.

Rep. Keeley, seeing no additional concerns over the Local Authority and Control portion, moved on to the review of Consumer Safety, Substance Abuse Prevention & Packaging and Labeling section.

Kenneth Bounds, Deputy Secretary of the Department of Agriculture, stated that rewording of the Quality Control section may be necessary as there are currently no federally approved pesticides for cannabis, but organic pesticides exist that could potentially be used. He stated that he could work with the co-chairs to refine this language.

Rep. Keeley, seeing no additional concerns over the Consumer Safety, Substance Abuse Prevention & Packaging and Labeling portion, moved on to Taxation, Revenue, Banking & Regulations.

Michelle Jacobs, Department of Natural Resources and Environmental Control (DNREC), raised some concerns with language under the Environmental Issues section on page eleven including the concern that “DUI” should be replaced with “Operating Under the Influence (OUI)”. Rep. Keeley requested that language changes and suggestions be submitted to staff members for potential inclusion.

Rep. Keeley, seeing no additional concerns over the Taxation, Revenue, Banking & Regulations portion, moved the discussion on to Criminal Law.

Chief William Bryson, Delaware Police Chiefs Council, clarified that under “Law Enforcement Needs,” language should be changed to reflect the fact that current K-9 units would have to be replaced rather than retrained.

Tim Holly stated that under “Employer Liability,” DSCC would like for the language to be reworked to more appropriately capture the spirit and content of previous comments. He additionally stated that he would bring the requested changes in writing to the staff and provided a review of his proposed changes for the record.

Danielle Brennan, Department of Justice, voiced the need for the current DUI law to be amended. Rep. Keeley mentioned that the co-chairs were aware of the necessity for that change, but that she was thankful for Ms. Brennan’s reminder.

John Yeomans, Department of Safety & Homeland Security, requested that under “Law Enforcement Needs,” language be added to clarify what increased manpower needs may include aside from Drug Recognition Experts. Sen. Henry asked for recommended language to be provided. Rep. Keeley stated that the co-chairs were well aware of additional law enforcement needs and that they were working with the Controller General’s office to include these needs in a fiscal note for HB 110.

Cathy Rossi stated that under “Impaired Driving,” language should be added to indicate that there is a lack of reliable thresholds, devices, or tests to determine impairment. Rep. Keeley stated that there are reliable pilot programs for testing that are being developed in the United States. Ms. Rossi replied by saying that while there are reliable pilot programs, they have not yet been court-proven. Ms. Rossi additionally requested for language to be further defined regarding high-quality data. Sen. Henry voiced that the report is meant to be a summary and that further definition and specifics should be found in the minutes of the previous meetings that will

accompany the report. Ms. Rossi replied that many would not read the minutes and that further definition of high-quality data would be helpful for readers of the report.

Tim Holly requested that the language of the second actionable solution on page twelve be changed from “better define” to “define” as there is currently no definition.

Rep. Keeley, seeing no additional concerns regarding the Criminal Law portion, moved the discussion on to the Additional Items for Consideration section. Seeing no concerns in regards to this portion, she moved on to the Conclusion.

John Sybert, Sussex County Advocate, asked if there was a way to create a commission to define “good data” versus “bad data”. Rep. Keeley informed Mr. Sybert that HB 110 would create such a commission and that this would fall under its purview.

Representative Steve Smyk, House of Representatives, asked for clarification about whether Mr. Sybert was referencing a commission to review data from the Task Force or after legalization. Mr. Sybert clarified that his comment was in reference to a post-legalization commission. Rep. Smyk added that, following Ms. Rossi’s comments earlier in the meeting, municipalities that do not want to tolerate the sale of marijuana, should not be forced to. Rep. Keeley and Sen. Henry stated that this is already allowed for in HB 110 and that the report would be clarified to reflect such.

Tim Holly requested that language be changed from “better define” to “define” in the final bullet point of page fifteen. He additionally raised DSCCs concern over language in the second paragraph of the same page.

Kim Robbins, Delaware Pharmacist Society, requested that “specific medical information” be added to the language in the third bullet point on page fifteen. Sen. Henry asked for an example of this information. Ms. Robbins stated that she simply wanted all information provided to consumers to be medically verified, such as the interaction of marijuana with other drugs.

Rep. Smyk asked if the Medical Society had any additional comments to provide. Nicholas Biasotto replied that the Medical Society is against legalization of recreational marijuana due to the lack of research and data available, as well as its federal classification. Rep. Smyk clarified that his question for the Medical Society was in reference to any potential additions to the report. Dr. Biasotto responded that they had nothing further, aside from stating their opposition. Rep. Keeley reminded those present that the minutes from previous Task Force meetings, which include comments and statements from members, would accompany the final report.

Kenneth Bounds, Deputy Secretary, Department of Agriculture, stated that his previous comments about pesticides could also be added to the Conclusion.

Cathy Rossi voiced her concern that there was no discussion of a fiscal note or impact included in the report. She also stated that many reading the report would be looking for the fiscal impacts of legalization. Rep. Keeley replied that, while she appreciated Ms. Rossi’s comments, the Controller General’s office was working on a fiscal note for the proposed legislation, but that it

would depend upon the amendment that the co-chairs would put forth for HB 110. Rep. Keeley also pointed out that it would be premature to release the fiscal note alongside the report while said amendment was incomplete. Ms. Rossi asked if the co-chairs would seek Task Force member approval after drafting the amendment. Rep. Keeley stated that they would not seek Task Force approval on the amendment. Sen. Henry stated that the report was meant to provide the General Assembly with recommendations in the case that recreational marijuana were to be legalized and that a fiscal note was not required at this time. Rep. Keeley clarified that there would, however, be an amendment to HB 110 that the co-chairs would draft based on recommendations from the Task Force. Ms. Rossi stated that while she understood the co-chairs explanation, she still felt that there should be some reference to fiscal implication. Sen. Henry stated that, in combing through the report, there were various recommendations where increased spending would potentially be needed and that these recommendations would be used to draft the amendment and fiscal note.

Sen. Henry stated that she was thankful for the time that all members had taken to participate in the Task Force. She additionally reminded all present that everything that would come out of the Task Force would also be made available to the public.

Rep. Keeley, concluding the review of the draft of the final report, turned the floor to public comment.

Bill Lynch, Attack Addiction, stated that he and his organization are strongly against legalized marijuana. He referenced the opioid epidemic and increased overdose death rates. He stated that those that consume marijuana are three times more likely to become addicted to heroin. He further stated that legalizing marijuana for recreational use would further increase Delaware's drug addiction problem, lead to increased motor vehicle deaths, and cause a litany of medical conditions. Mr. Lynch went on to list several organizations that have stated their opposition to recreational marijuana and accused members of the General Assembly who would vote for HB 110 as being complicit for any harm that legal marijuana use would cause.

Christopher Costas, resident of Lewes, Delaware, recalled his life story of his battle with HIV. He stated that, after years of taking prescription drugs, his kidneys failed and he was forced to enter dialysis. In order to combat the nausea from his treatments, he stated that he had begun using marijuana. He went on to state that, to the medical practitioners disbelief, his kidneys had jump started and were working perfectly again after being dead. Mr. Costas voiced his belief that marijuana had saved his life. He ended his testimony by stating his belief that medical marijuana costs should be lowered.

Don Keisler, Attack Addiction, stated his belief that information supporting the harmful effects of marijuana use has been disregarded. He further stated that language in HB 110 only supported his beliefs that the proponents of the legislation were aware of harmful effects, but were disregarding them. He voiced his belief that legalization would do nothing to undercut the black market and that it would instead lead youth to believe that marijuana was safe to use. He additionally recalled the experience of his son, who had died from a drug overdose in 2012. Mr. Keisler stated that marijuana had been a gateway drug for his son and that "big marijuana" has brought much harm to states such as Colorado.

Laura Sharer, DE CAN, began her testimony by stating that she had been dying due to a medical condition and that she had become addicted to the drugs that had been prescribed to her. She added that her doctor had recommended medical marijuana and that she truly believed that it had saved her life and given her children their mother back. She ended her testimony by stating that it is unfair for someone to be arrested for consuming marijuana while others go home and drink a glass of wine.

Dennis Phifer, Delaware resident, stated his belief of the harms of marijuana. He additionally stated his belief that marijuana is gateway drug and leads to drug abuse. Mr. Phifer further explained that, in his mind, there is no reason to legalize marijuana and that he believes that the risks are too great.

Erin Goldner, Delaware resident, stated that marijuana has been stigmatized unfairly. She voiced that she was unaware of anyone that had passed away from marijuana use and that marijuana legalization can bring much good to those struggling with medical conditions.

Rep. Keeley concluded the public comment portion of the agenda and stated the next meeting would take place on February 28. Sen. Henry stated that the final meeting would be to discuss the final report and release it to the public and the General Assembly.

Rep. Smyk motioned to adjourn the meeting; the motion was seconded by Rep. Keeley, who adjourned the meeting at 11:05 a.m.

Attendance List:

1. Bill Lynch (Attack Addiction)
2. Christopher Costas
3. Don Keisler (Attack Addiction)
4. Nikko Brady (Department of Agriculture)
5. Dawn Hopkins (Sen. Richardson)
6. Kyra Hoffner (DE CAN)
7. Glenn Condon (HIDTA)
8. Virginia Jackson (DE CAN)
9. Kimberly Chandler (DSHS)
10. Wendy Hudson (DSHS)
11. Laura Sharer (DE CAN)
12. Dennis Phifer
13. Zoe Patchell (DE CAN)